



GREENE COUNTY PLANNING BOARD
Minutes of February 17, 2021 Meeting
Held via Zoom 6:30PM

Meeting convened at 6:36 PM.

Present:

Cynthia LaPierre, Jewett
Robert VanValkenburg, Coxsackie V
Bruce Haeussler, Coxsackie T
Kiley Thompson, Durham
Carl Giangrande, Hunter V
Mitchell Smith, Catskill V.
Orloff Bear, Greenville
Jim Dymond, Prattsville
Thomas Poelker, Windham
Jennifer Cawein, Lexington
Stephen Bradicich, Athens V

Absent:

Lee McGunnigle, Tannersville V
Elizabeth Hansen, Cairo
Jean Horn, New Baltimore
Eva Atwood, Catskill T
Anthony Paluch, Athens T

Also in attendance:

Rich Schiafo, Greene County Economic Development, Tourism and Planning
Taylor Quarles, Key Capture Energy, Darrin Elsom, Kaaterskill Associates

1. Roll Call

There is a quorum of members – see above.

2. Approval of Minutes

Approval of the January 20, 2021 meeting minutes.

Motion: Cyndi LaPierre

Second: Mitchell Smith

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

3. Planning Department Reports

4. Business Items

Training

Please review training log spreadsheet that was circulated to make sure all your training information is correctly logged. Start of the new year, please make an effort to get four hours of training. Training opportunities are circulated by email and shared at each monthly meeting. Please forward any training certificate to Green County Planning so the training hours can be tracked.

Reappointments

Nine members are up for reappointment this March. Terms expire on March 15, 2021 and. Five (5) of the nine (9) up for reappointment have submitted verification of reappointment (Town Board meeting minutes, resolution, email, or letter) and are on the Greene County Legislative Agenda for approval tonight (February 17, 2021)

1. Carl Giangrande, V of Hunter
2. Cynthia LaPierre, Jewett
3. Thomas Poelker, Windham
4. Robert Van Valkenburg, V. of Coxsackie
5. Mitchell Smith- V. of Catskill

**Greene County
Economic Development,
Tourism & Planning**

411 Main Street, Suite 419
Catskill, New York 12414

Warren Hart
Director



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For the four member listed below the next opportunity to get reappointments approved will be March 17, 2021. Please submit verification of reappointment (Town Board meeting minutes, resolution, email, or letter) ASAP

1. Anthony Paluch, T. of Athens
2. Stephen Bradicich, V. of Athens
3. Lee McGunnigle, V of Tannersville
4. Orloff Bear, Greenville

Training for Spring?

Every Spring we co-host an annual training seminar with Columbia County Planning and the NYS Department of State Division of Local Government Services. Last June we did two (2), two (2) hours webinars. One webinar was on 'Short Term Rentals' and the other on 'Spot Zoning or Grant the Illegal Use Variance'. In the fall Columbia County held a course on 'Solar Regulations'

Any thoughts on webinars we would like to have DOS present this spring?

Potential courses: <https://www.dos.ny.gov/lg/lut/courses.html> (Not all topics are available via webinar)
<https://www.dos.ny.gov/lg/lut/recorded-webinars.html>

5. Education and Training Opportunities

February 22, 2021 | 12:00 p.m. **Technical Talks: National Register Districts**, Sparking Recovery Through Preservation Virtual Series Technical Talks: National Register Districts. \$10 suggested donation
<https://www.preservenys.org/sparking-recovery-through-preservation?bbejrid=1823877573&bbemailid=28150519&bblinkid=247503589>

February 23, 2021 1:00 – 2:30 PM **Open Space Inventories and Plans Webinar**, Hudson River Estuary/NYS DEC Conservation and Land Use 101 Webinar Series February 23, 1 p.m. - 2:30 p.m.
[Registration Link](#)

Feb 24, 2021 02:00 PM – 3:00 PM Southern Tier West Local Government Conference 2021 Webinar Series , Planning For A Community Food System
To register: https://us02web.zoom.us/webinar/register/WN_cb3isPfoQHSUPjdh6K7V2w

February 24, Noon to 1 pm, NYPF, Working With Developers to Foster Investment in the Community
<https://nypf.org/planning/> Free to NYPF Members

February 25, 2021 7:00 – 8:30 PM **Electric Vehicle Charging Infrastructure**, NYS Tug Hill Commission Webinar. To register: https://us02web.zoom.us/webinar/register/WN_Em8FzMtwTOo20JIPC_axg

March 10, 2021 2:00 – 3:00 PM **Administration & Enforcement of Your Zoning to Protect Community Character**, Southern Tier West Local Government Conference 2021 Webinar Series Course:
https://us02web.zoom.us/webinar/register/WN_mV7PIBtCTYSd_cpBEv8k7Q

March 10, 2021 7:00 – 8:30 PM **Forest Conservation**, NYS Tug Hill Commission Conservation on Tug Hill Webinar Series Course.
To register: https://us02web.zoom.us/webinar/register/WN_68NAWYdDQgmARkRPj1JTCA

March 10, 2021 6:00 – 7:00 PM **Homeowner Historic Tax Credits** Preservation League of NYS Sparking Recovery Through Preservation Virtual Series Course: To register: <https://www.preservenys.org/sparking-recovery-through-preservation?bbejrid=1823877573&bbemailid=28150519&bblinkid=247503589>

March 17, 2021 2:00 – 3:00 PM **Experiences with Battery Storage with Solar and Stand Alone**, Southern Tier West Local Government Conference 2021 Webinar Series Course: To register: https://us02web.zoom.us/webinar/register/WN_eYpsWFOeQ4OpSN7JY3nxeA

March 22, 2021 12:00 – 1:00 PM **Technical Talks: Historic Windows**, Preservation League of NYS Sparking Recovery Through Preservation Virtual Series Course: To register: <https://www.preservenys.org/sparking-recovery-through-preservation?bbejrid=1823877573&bbemailid=28150519&bblinkid=247503589>

March 24, 2021 2:00 – 4:00 PM **Tips for Regulating Telecommunications Facilities**, Southern Tier West Local Government Conference 2021 Webinar Series Course: To register: https://us02web.zoom.us/webinar/register/WN_Caac3Eq1Rqu6Y_vw2IO8_Q

March 31, 2021 2:00 – 3:00 PM **Innovations & Best Practices for Planning/Zoning Boards**, Southern Tier West Local Government Conference 2021 Webinar Series Course: To register: https://us02web.zoom.us/webinar/register/WN_Q1nOy1AGRKeIBdCFThHsQ

April 28, 2021 2:00 – 3:00 PM, **Board Members Municipal Ethics**, Southern Tier West Local Government Conference 2021 Webinar Series Course: To register: https://us02web.zoom.us/webinar/register/WN_zvSvUHDhTmqmc7_JfGx4VA

See NYSDOS Training web page for training webinars listed below:
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

6. Planning and Zoning Referrals

21-4: New Baltimore Sanzi/Beradi

Description: Planned conversion of existing 28 unit model to 14 unit 55+ senior living residence
Location/Address: 1037 Aqueduct Rd Ravena (Corner of Rt 9W and Aqueduct Rd just north of Chestnut Lawn Cemetery)
Parcel ID: 7.01-1-20, 7.01-1-21
Type of Referral: Use Variance
Referring Agency: Town of New Baltimore ZBA
Reason for Referral: US Rt 9W ROW
Acreage: 2.12 acres 1.3 developed
Zoning: 01-Commercial
Agricultural District: No
Date of Initial Submittal: December 15, 2020
Date Referral Complete: January 21, 2021

Recommendation: No County Impact, Local Decision

Motion to Accept Staff Recommendation

Motion: Kiley Thompson

Second: Carl Giagrande

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

21-5: Greenville Cypress Creek Red Mill Solar

Description: 23 acre, 2MW solar energy facility
Location/Address: 227 E. Red Mill Rd., Greenville, NY 12038
Parcel ID: 36.01-1-9
Type of Referral: Site plan review and special use permit
Referring Agency: Town of Greenville Planning Board
Reason for Referral: R32 ROW
Acreage: 23 acres

Zoning: Low Density Residential
Agricultural District: No
Date of Initial Submittal: December 15, 2020
Date Referral Complete: December 22, 2021

Recommendation: Approve

Bud Bear discussed some of the concerns that the Town has with this application, namely variance requests for 500 ft setback from DEC protected wetlands and water courses and a variance for 500' setback from adjacent residence.

This referral was submitted by the Town of Greenville Planning Board for site plan review and for a special use permit not for any variances. If this application is sent to the local zoning board of appeals for any variance, such variance application(s) will need to be referred back to the County Planning Board.

Otherwise the information provided for the site plan and special use permit seem to be adequate and approval is recommended. This application was reviewed by the Green County Highway Department which did not have any concerns or comments.

Based on experiences that other municipalities have had with Cypress Creek Renewables, it is recommend that Greenville carefully attend to ensuring that local concerns and interests are addressed.

Motion to Accept Staff Recommendation for approval pending further review of variances

Motion: Carl Giangrande

Second: Bruce Haeussler

Vote: Yes: 10 No: 0 Abstain: 0 Recuse 1

21-6: Town of Durham Blackthorne Resort

Description: Expansion of existing camp ground

Location/Address: 348 Sunside Road, Est Durham, NY

Parcel ID: 65.00-2-43

Type of Referral: Site Plan Review

Referring Agency: Durham Town Board

Reason for Referral: State Route 145 ROW

Acreage: 76.00

Zoning: No Zoning

Agricultural District: No – but within 500 feet

Date of Initial Submittal: Jan 27, 2021

Date Referral Complete: Feb 5, 2021

Recommendation: Approve

Property is within 500 ft of an Agricultural District No. 124 parcel and according to NYS Ag and Markets Law will need to prepare an Ag Data Statement

Motion to Approve: Mitchell Smith

Second: Stephan Bradicich

Vote: Yes: 10 No: 0 Abstain: 0 Recuse 1

21-7: Town of Catskill Arielle Herman, Rivertide Aikikai

Description: Adding addition to front of building, an overhang

Location/Address: 3198 Old Kings Rd

Parcel ID: 170.00-5-19.2

Type of Referral: Area Variance

Referring Agency: Town of Catskill Zoning Board
Reason for Referral: Old Kings Road ROW (County Rt 47)
Acreage: .75
Zoning: RA Rural Residential/Agriculture
Agricultural District: No
Date of Initial Submittal: 1/27/21
Date Referral Complete: 2/8/21

Recommendation: No County Impact, Local Decision

Motion to Accept Recommendation

Motion: Stephan Bradicich

Second: Cyndi LaPierre

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

21-8: Town of Athens West Athens-Lime Street Fire District

Description: The Fire Commissioners of the West Athens-Lime Street Fire District propose to construct a new 12,750 sq ft fire station with four bays to accommodate contemporary fire vehicles and proper storage areas for equipment as well as office space, bathrooms and decontamination/shower areas on lands presently owned by the Commissioners. Project will include a new septic system. Operations of two existing facilities will be combined.

Location/Address: 921 Schoharie Turnpike, Athens, NY 12015

Parcel ID: 104.00-5-26

Type of Referral: Site Plan Review

Referring Agency: Town of Athens Planning Board

Reason for Referral: Schoharie Turnpike ROW

Acreage: Total 4.63 1.5 for new station 1.2 acres of impervious surface

Zoning: 07- MUC Mixed Use Commercial

Agricultural District: No

Date of Initial Submittal: 2/1/21

Date Referral Complete: 2/4/21

Recommendation: Approve with comments

Any work done in County Rt 28 Right-of-Way will require a County work permit.

The federal waters/wetland on-site may require a federal ACOE permit.

Being the site has poorly drained soils, is in the Murderers Creek riparian buffer zone

And contains federal and state wetlands it is recommend that green infrastructure, such as pervious pavement, rain gardens, and vegetated swales be used to the greatest extent possible to manage stormwater .

<https://www.epa.gov/green-infrastructure/what-green-infrastructure>

<https://www.dec.ny.gov/public/915.html>

Site planning, preparation and construction should account for the site containing endangered or threatened, or habitat for an endangered or threatened species namely the Northern long-eared bat and stiff flat topped goldenrod . If the proposed activity is likely to result in the take of individuals of a listed animal or involve an adverse modification of occupied habitat NYSDEC Part 182 Incidental take permit may be necessary

<https://www.dec.ny.gov/animals/68645.html>

It is also recommend that the lighting plan require the installation of energy efficient lights such as LEDs.

A SPDES Permit may be necessary for on-site septic system.

Motion to Accept Recommendation

Motion: Tom Poelker

Second: Jim Dymond

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

21-10: Town of Cairo Battery Storage Facility

Description: The resubdivision of two parcels into three parcels and the installation of a battery energy storage facility within the interior of the property.

Location/Address: County Route 23B

Parcel ID: 101.00-4-30 & 101.00-4-29.22

Type of Referral: Site Plan Review and Special Use Permit

Referring Agency: Town of Cairo Planning Board

Reason for Referral: County Rt 23B ROW

Acreeage: 101.00-4-30 and 101.00-4-29.22

Zoning: Commercial

Agricultural District: No

Date of Initial Submittal: 2/5/21

Date Referral Complete: 2/9/21

Recommendation: Local Decision with Comments

The Greene County Planning Board does not review subdivision application

The County Planning Board offers the following questions and comments pertaining to the Site Plan and Special Use permit applications, to be considered in review:

Greene County Highway Department is very concerned with the residual lands to be owned by the IDA, known as lot R- 2 & Lot R-3 and offers the following comments:

- Future access points along CR 23B. (With respect to Lot R-2)
- Two potentially high traffic volume access points being located a few hundred feet of each other (Dollar General / New proposed road)
- Proposed road easement may not be wide enough. (A Right turning lane would require a wider easement.)
- Future access points for lot R-3
- If Dollar General were able to access the New proposed road, would the Stormwater Management Facility negate that possibility?

Town of Cairo Battery Energy Storage System Law

Section 7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a special use permit within the zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

1...An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site

Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment.

Several items referenced in the local law should have been submitted as part of the Special Use permit application and hence should be part of the referral including Noise, Lighting, Vegetation, Noise, Decommissioning plan, Safety, and Permit Time Frame and Abandonment were not submitted nor was an Emergency Operations Plan. Therefore the following comments are offered.

Battery energy storage systems of this nature are relatively new to New York and to Greene County. In December 2018 the New York Public Service Commission adopted Governor Cuomo's 1,500 MW energy storage target by 2025 and established a 3,000 MW target by 2030. Recently NYSERDA issued its *New York Battery Energy Storage System Guidebook for Local Governments* with a model ordinance, model permit and inspection checklist.

Therefore it is recommended that the Town of Cairo be certain to review this proposal carefully so that local concerns are addressed. As is pointed out in the NYSERDA Guidebook understanding and developing a battery energy storage system permitting and inspection processes will help ensure efficiency, transparency, and safety in local communities. NYSERDA's 'New York Battery Storage System Guidebook for Local Governments' outlines a process for outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems that the Town may want to consider such as adopting a policy statement, appoint a Battery Energy Storage Task Force and establishing a training program for local staff and land use boards. The Guidebook includes references to state electric, battery storage and energy codes. It is recommended that the Town reference the NYSERDA's Guidebook in reviewing and deciding on this application.

Safety Protocols and Emergency Response

What are the built in safety and containment measures?

What are the emergency response protocols?

Do County and local first responders have the training, capacity and tools to properly respond to an incident at a lithium ion battery energy facility of this size?

Is there a need for additional local fire training and emergency response?

What are the emergency response and safety protocols in case of a fire/explosion?

What is the chemical composition of the batteries, transformers, cooling systems.etc.?

The 2019 Energy Storage System Supplement amendments to the New York State Uniform Fire Prevention and Building Code, published by the New York State Department of State should be followed. The NYSERDA Guidebook also references the Standard for battery energy storage systems and Equipment) such as UL 1642 (Standard for Lithium Batteries), which should be reviewed and incorporated.

In Appendix 2, the NYSERDA Guidebook provides *Supplemental Guidance for Developing the Fire Safety Compliance Plan* including hazard mitigation analysis, fire safety, battery energy storage management system, spill control and neutralization and explosion control.

Emergency Operations Planning including Hazardous Materials Handling and Emergency and Spill Response should consult the NYSERDA guidance.

Visual Analysis and Screening

Was or will a visual analysis be completed as part of this application?

There is nothing in the referral that gives us a good idea of what the facility will look from Route 23B from nearby properties?

Will vegetative buffers provide adequate screening?

Security

Is security and lighting adequate?

Will there be any on-site personnel or is the facility being monitored remotely?

Will lighting be motion or gate activated or on during all dark hours?

Local permitting and inspection processes of battery energy systems

The NYSERDA Guidebook also provides detailed information about creating a local permitting and inspection processes of battery energy systems that the Town of Cairo may want to consider. The Battery Energy Storage System Inspection Checklist is based on the 14th Edition of the National Electric Code (NEC), which is anticipated to be adopted by New York State in 2020. NYSERDA has indicated that it will continue to update the Guidebook as these codes and standards evolve.

Decommissioning plan

A complete Decommissioning Plan should be submitted and reviewed as part of Site Plan approval. The Plan should indicate clear responsibility for removal and restoration of the site.

As suggested by NYSERDA:

The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include: (i) the anticipated life of the battery energy storage system; (ii) the estimated decommissioning costs; (iii) how said estimate was determined; (iv) the method of ensuring that funds will be available for decommissioning and restoration; (v) the method that the decommissioning cost will be kept current; (vi) the manner in which the battery energy storage system will be decommissioned, and the Site restored; and (vii) a listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

A performance guarantee or surety of some sort should be posted for decommissioning.

As suggested by NYSERDA:

The applicant, or successors, shall continuously maintain a Decommissioning Fund or bond payable to the Town, in a form approved by the Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

Wetland and stream impacts

Potential state regulated wetlands are on-site.

Battery siting is in areas designated as State regulated wetland check zone

Was a wetlands investigation done?

Possible freshwater wetlands permit and a NYSDEC 401 Water Quality Cert permit.

SWPPP

SWPPP required by GP-0-15-002 was not submitted as part of the referral.

Habitat

Portions of the site is in bat foraging area

Based on information from the Hudson Valley Natural Resource Mapper, <https://www.dec.ny.gov/lands/112137.html> , the southern portion of the site is an important bat foraging area. The New York Natural Heritage Program (NYNHP) data identifies specific location where rare animals have been observed, and areas that may be used by rare animals for breeding, nesting, feeding, roosting or overwintering. We urge the Town to proactively avoid or minimize impacts to the bat habitat and maintain habitat integrity that contributes to the long-term survival of important animal species such as bats. ¹

It has become commonplace for the siting and development of both solar energy facilities and battery storage facilities to include pollinator gardens in their design and development.² Please consider adding pollinator gardens³ to your landscape plan.

Motion to Accept Recommendation

Motion: Carl Giangrande

Second: Cyndi LaPierre

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

Motion to Adjourn

Motion: Bruce Haeussler

Second: Kiley Thompson

Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0

Tom Poelker, Windham's representative to the Greene County Planning Board, discussed a referral that was send in to the County that was determined to be a subdivision and therefore not reviewable by the County Planning Board. The application is for a five (5) lot subdivision on that abuts County Route 21. Mr, Poelker expressed concerns about site distances at the entry driveway to the subdivision and traffic along County Route 21. A report on this referral will be sent to the Windham Planning Board indicating that the County Planning Board does not have jurisdiction to review this application.

The meeting was adjourned at 6:58 PM

Next Meeting

Wednesday March 17, 2021 6:30pm (most likely to be held virtually via Zoom).

Respectfully Submitted,

Richard Schiafo, Secretary

¹ <https://gisservices.dec.ny.gov/gis/hvnm/layerInfo.html#ira>

² <https://www.nypa.gov/news/press-releases/2019/20191021-pollinator>

³ <https://agriculture.ny.gov/news/new-york-state-issues-guidelines-promote-creation-pollinator-habitats-commercial-properties>